

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSEPH C. GARCIA,	§	
PETITIONER,	§	
	§	
V.	§	CASE No. 4:18-cv-4521
	§	
BRYAN COLLIER,	§	
EXECUTIVE DIRECTOR OF TEXAS	§	
DEPARTMENT OF CRIMINAL JUSTICE	§	
	§	
LORIE DAVIS,	§	CAPITAL CASE
DIRECTOR OF THE CORRECTIONAL	§	
INSTITUTIONS DIVISION OF TEXAS	§	
DEPARTMENT OF CRIMINAL JUSTICE	§	
	§	
JAMES L. JONES,	§	EXECUTION DATE
SENIOR WARDEN OF THE HUNTSVILLE	§	
UNIT	§	
AND	§	
	§	
JOHN OR JANE DOES (UNKNOWN	§	
EXECUTIONERS) 1-50	§	
	§	
DEFENDANTS.	§	DECEMBER 4, 2018
	§	

PLAINTIFF'S NOTICE OF APPEAL

Pursuant to the Court's December 1, 2018 Order denying Plaintiff Garcia's Motion for Preliminary Injunction, ECF No. 5, Garcia hereby gives notice, through undersigned counsel, that Garcia is appealing this Court's Order to the United States Court of Appeals for the Fifth Circuit. Garcia is appealing this Court's decision that

he is not entitled to injunctive relief, declaratory relief, or a stay of execution. The Court's Order denying Plaintiff Motion for Injunctive Relief is an appealable order pursuant to 28 U.S.C. § 1292(a)(1).

Respectfully submitted this 1st day of December, 2018.

Jon M. Sands
Federal Public Defender
District of Arizona

Dale A. Baich
Jessica L. Felker

s/ Jessica L. Felker
Attorney-in-Charge
IL Bar No. 6296357
**Pro hac vice app. pending*
850 West Adams St., Suite 201
Phoenix, AZ 85007
(602) 382-2816
Jessica_Felker@fd.org

CERTIFICATE OF SERVICE

I certify that on December 1, 2018 a true and correct copy of the above pleading was served electronically upon Mr. Jay Clendenin, as he has agreed to accept electronic service on behalf of all Defendants.

Bryan Collier, Executive Director
Lorie Davis, Director
James L. Jones, Senior Warden

c/o Jay Clendenin
Assistant Attorney General
Criminal Appeals Division
Office of the Attorney General of Texas
Phone: (512) 463-1416
Fax: (512) 320-8132
Jay.Clendenin@oag.texas.gov

/s/ Jessica Ward
Assistant Paralegal